

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/20/24

FRONTIER AIRLINES, INC.,

Plaintiff,

v.

AMCK AVIATION HOLDINGS IRELAND
LIMITED, ACCIPITER INVESTMENT 4
LIMITED, VERMILLION AVIATION (TWO)
LIMITED, WELLS FARGO TRUST COMPANY,
N.A., solely in its capacity as OWNER TRUSTEE,
and UMB BANK, N.A., solely in its capacity as
OWNER TRUSTEE,

Defendants.

20 Civ. 9713 (LLS)

STIPULATION AND ~~PROPOSED~~ ORDER
AUTHORIZING DISBURSEMENT OF FUNDS

LLS

WHEREAS, on July 2, 2024, the Court entered an Amended Judgment in favor of Plaintiff Frontier Airlines, Inc. ("Frontier") against Defendants AMCK Aviation Holdings Ireland Limited, Accipiter Investments Aircraft 4 Limited and Vermillion Aviation (Two) Limited (collectively, "Defendants") in the total amount of \$49,499,884.93;

WHEREAS, by Stipulation and Order dated July 31, 2024 (the "July 31 Order"), the Court authorized Defendants to deposit with the Court the sum of \$54,944,872.27 to be held in an interest-bearing account pursuant to Rule 67 of the Federal Rules of Civil Procedure and Local Civil Rule 67;

WHEREAS, pursuant to the July 31 Order, payments of \$17,396,189.09 ("Deposit 1") and \$37,548,683.18 ("Deposit 2") were made to the Court on July 31, 2024 and August 2, 2024, respectively;

WHEREAS, on August 8, 2024, the Clerk of the Court deposited the total amount of \$54,944,872.27 into the Court's Registry Investment System (the "CRIS Deposits");

WHEREAS, on August 20, 2024, the Court entered a supplemental judgment in favor of Frontier against Defendants for attorneys' fees and costs in the amount of \$2,581,727.50; and

WHEREAS, the parties have entered a confidential settlement agreement with respect to this action (the "Settlement Agreement");

IT IS HEREBY STIPULATED AND AGREED, by and between Frontier and Defendants, that:

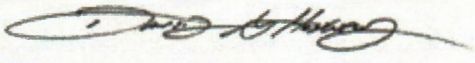
1. The Clerk of the Court shall withdraw the CRIS Deposits from the Court's Registry Investment System and deduct from any income on the CRIS Deposits a fee consistent with that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office pursuant to Local Civil Rule 67.1(b)(2).

2. The Clerk of the Court shall transfer the sum of [REDACTED] to Frontier. Payment instructions for this transfer will be provided by the undersigned counsel of record for Frontier.

3. The Clerk of the Court shall transfer all remaining funds on deposit, including any remaining accrued interest (the "Remaining Funds") to the depositors of Deposit 1 and Deposit 2 as follows: [REDACTED]

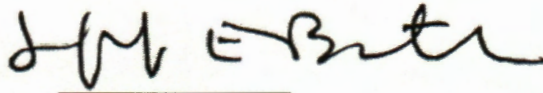
[REDACTED] shall be returned to Maverick Aviation Partnership and the rest of the Remaining Funds shall be returned to CKG Management Holdings (Ireland) Limited. To the extent necessary, wire transfer instructions will be provided and/or confirmed by the undersigned counsel of record for Defendants.

Dated: September 19, 2024



David G. Hosenpud (*pro hac vice*)
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204

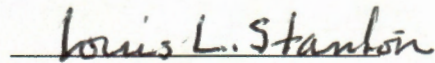
Attorneys for Frontier Airlines, Inc.



Jeff E. Butler
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Two Manhattan West
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Attorneys for Defendants

SO ORDERED:



Louis L. Stanton
United States District Judge

Dated: September 23, 2024